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December 13, 2005

Nancy Reimer, Esquire
Donovan Hatem, LLP
Two Seaport Lane
Boston, MA 02210

RE: Trans-Spec Truck Service, Inc. v. Caterpillar Inc.
United States District Court Civil Action No. 04-11836-RCL

Dear Ms. Reimer:

I have your fax of this date. I did indeed see Mr. Samito's December 9 letter, but did not receive from him any proposed deposition dates. Mr. Samito often neglects to do what he says he will do, or at least has often neglected to do so over the course of this case, so I did not think I could rely on his promise.

January 17 is far too late for Mr. Service's deposition. Caterpillar's expert reports are due January 13 and I need to depose both of your proposed experts well before then. You have known for a long time that Messrs. Service and Ekchian would have to appear for deposition. You should have supplied me with proposed dates when you served their reports at the end of the day on December 7. My belief is that you are now attempting to delay their depositions exclusively for the purpose of obtaining unfair tactical advantage.

If Mr. Service is unavailable on December 27, we can move Mr. Ekchian's deposition to that date and I will depose Mr. Service on the 29th. I will also consider other dates during that week, or even early the following week. Please make me a proposal.

Very truly yours,
John A. K. Grunert